

REMARKS

Pursuant to an informal telephone conversation with the Examiner on 6-Apr-2004, Applicants submit the following amendments and remarks. Applicants courteously request that the Examiner enter this amendment and request reconsideration of the present application.

In the office action dated 11-Feb-2004, the Examiner has finally rejected claims 22-28, 33-41, and 47-52. The Examiner has rejected claim 35 under 35 U.S.C. §112, 2nd paragraph for being unclear as to what the limitation "said ruthenium-containing oxide resistor elements" is referring to. The Examiner has rejected claims 22, 24, 28, 33, 26-41, 47, 48, 50, and 51 under 35 U.S.C. §103(a) as being unpatentable over Sherman (U.S. 5,508,491) in view of Huck, et al. (U.S. 5,251,481).

Applicants withdrew claims 29-32 and 47-52 because they were subject to a restriction requirement. Applicants herein cancel claims 29-32 and 47-52 to further prosecution of this case and put the case in condition for allowance.

The Examiner has rejected claims 22 and 33 over Sherman, in view of Huck, et al. The Examiner states: "Sherman does not disclose that the resistive material is an oxide. Huck, et al. disclose an intake gas flow sensor comprising a resistive sensor element 10 of oxide electrically resistive materials in order to add stability to the sensor arrangement." Applicants traverse the Examiner's argument that Huck, et al. discloses an oxide electrically resistive material. Applicants submit that Huck, et al. disclose: "The material of the surface resistor (10) can be for example platinum and is applied to the large surface of the substrate (10) by sputtering or other known techniques," col. 3, lines 40-44. In col. 4, lines 53-57: "the surface resistor (10) is covered, in effect "sealed", at least in the area of the active surface Fw, but preferably beyond this by a cover layer (60) comprising a first layer (56) and a second layer (58) disposed thereon." In col. 4, lines 63-68, Huck, et al. state that: "the first layer can be a glass substantially comprising lead oxide. The second layer (58), that can consist of silicon oxide (SiO_x) is disposed on the first layer, which is preferably deposited by screen printing." These oxide materials shown by Huck, et al. are "coverings," not resistor elements. It is respectfully submitted that current passed through the device of Huck, et al would pass through the metallic resistor element and not through the oxide material coverings because the resistance of the metal is far less than the resistance of the oxides. This is in contrast to Applicants' claims 22 and 33: "said electrical circuit responsive to a ratio

in resistance between said reference oxide electrically resistive material and said flow-sensing oxide electrically resistive material." Applicants submit that claims 22 and 33 are not shown in the combination of Sherman with Huck et al. and are thus allowable. Furthermore, Applicants submit that the remaining pending claims, 23-28, 34-41, and 48-52, which depend from one of 22 and 33, are also allowable.

Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment After Final Rejection, along with any other costs, to Deposit Account 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No.06-1505.

Respectfully submitted,



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